

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31825 of 2020

Arising Out of PS Case No.-39 Year-2020 Thana- BITHAN BAZAR District- Samastipur

Dipak Kumar @ Ravi @ Ravi Kumar, age -18 years, Male Son of Jai Prakash Gupta, Resident of Village- Bariyarpur, P.S.- Balia, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No1, Advocate
For the State : Mr. Aditya Narayan Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 15-01-2021

Heard Mr. Mukesh Kumar No.1, learned counsel for the petitioner and Mr. Aditya Narayan Singh No. 1, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner is in custody in connection with Bithan PS Case No. 39 of 2020 dated 07.04.2020 instituted under Sections 323/341/342/364/504/ 506 of the Indian Penal Code.

3. The allegation against the petitioner is that he was a member of the kidnapping gang which had abducted and taken the informant and due to information to the police by the public when the police reached the spot, the kidnappers has run away and with the help of the public the petitioner was among the five persons who is said to have been caught at the spot on 03.04.2020.

4. Learned counsel for the petitioner submitted that he has been falsely implicated as would be clear from the fact that the



kidnapping is said to have taken place on 03.04.2020, but the FIR was lodged on 07.04.2020. It was further submitted that there is no explanation for the delay and further, that the petitioner was returning to his home after meeting his relatives and at the place of occurrence, as a crowd had gathered, he was also standing and was caught. It was submitted that the petitioner did not belong to the locality and that is why due to mistake, he was also presumed to be one among the abductors. Learned counsel submitted that the petitioner is in custody since 03.06.2020 though, he has been falsely implicated in three other cases and is a young person aged about 18 years.

5. Learned APP, from the case diary, submitted that the petitioner was caught at the place of occurrence. However, he fairly submitted that there is no explanation with regard to the delay in lodging of the FIR.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Rosera in Bithan PS Case No. 39 of 2020, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that



the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

7. The application stands disposed off in the aforementioned terms.

8. However, this order is subject to the main application supported by affidavit being *e* filed in this Court by learned counsel for the petitioner latest by day after tomorrow.

(Ahsanuddin Amanullah, J.)

Anand Kr.

AFR/NAFR	
U	
T	

